THE HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No.14145 of 2006

Dated 14145 of 2006

Between:

M/s.Lakshmi Timber Depot and Saw Mill rep. by its sole Proprietor Smt. D.L. Padmavathi, Visakhapatnam.

……Petitioner.

And

The State of Andhra Pradesh rep. by its Secretary to Forest Department, Secretariat, Hyderabad and others.

……Respondents.

THE HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No.14145 of 2006

ORDER:

The petitioner has purchased a Saw Mill situated at N.G.R Puram, Gandigubdem, Pendurthi, Visakhapatnam District, in respect of which one Vadlamudi Venkata Raghu was granted licence under the A.P. Saw Mill (Regulation) Rules, 1969 (for short 'the Rules'). It is not in dispute that the said V.Venkata Raghu was running the Saw Mill in the name and style of M/s.Kaveri Packing Enterprises.

The petitioner states that he has purchased the Saw Mill under the registered sale deed on 25-3-2004 bearing doc.No.1561/2004 for valid consideration and much prior to that on 20-07-2003, he made an application requesting to transfer of the Saw Mill Licence in his favour. It is also claimed that from the date of purchase, he has been paying the renewal licence fee as well as other taxes, and has been running the Saw Mill. While so the respondents, without considering his application for transfer of the Saw Mill in his name started interfering with the business alleging that the petitioner has been running the

Saw Mill without holding a valid licence. Aggrieved by the said action, this writ petition is filed seeking a declaration that the action of the respondents in taking steps to seize Saw Mill without passing orders on the application of the petitioner for transfer of licence is arbitrary and illegal.

On behalf of the respondents a counter affidavit has been filed stating that the licence granted in the name of M/s. Kaveri Packing Enterprises, stood lapsed in the year 2001 itself, since the said licensee failed to make an application for renewal within the time stipulated under the Rules, 1969. Consequently, the security deposit was also forfeited on 10.6.2001. Since, the licence itself stood lapsed, the petitioner who claims to have purchased the Saw Mill is required to apply for a fresh licence, in which event the same will be processed through the Central Empowered Committee in terms of the decision of the Supreme Court dated 30.10.2002.

Heard the learned counsel for both the parties and perused the material on record.

Nothing has been placed before this Court to show that by the date of purchase by the petitioner in the year 2004, the vendor of the petitioner- M/s.Kaveri Packing Enterprises was holding a valid licence. On the other hand, in the counter

affidavit, it was specifically pleaded that the licence in favour of M/s.Kaveri Packing Enterprises stood lapsed in the year 2001 and the security deposit was also forfeited on 10.6.2001.

The learned counsel for the petitioner could not point out any provision under the Rules 1969, which permits transfer of licence granted under Rules, 1969. At any rate, since as on the date of purchase by the petitioner, no valid licence was subsisting, it is for the petitioner to make an application for fresh licence, in which event, the same will be considered by the respondents following due process of law.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to take necessary steps. No costs.

_____

(G. ROHINI, J)

Dated: 11.10.2006.
mrb